



1971

Docket No.: KCC-13,776

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
JUN 05 2003
TC 1700

Applicants: David Charles POTTS
Jack Nelson LINDON
Emmanuelle Cecile DAMAY
Dmitry YAVICH
Matthew David YOUNG

Group No.: 1771

Examiner: C. Pratt

Serial No.: 10/035,701

Filing Date: 09 November 2001

Title: ABSORBENT ARTICLE WITH FLUID
TREATMENT AGENT

THIRD INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with Rule 1.56 and MPEP Section 2001.06(a), References AA-AC and AL (Page 1) listed on Form PTO-1449, were first cited in the Australian Office Action for the corresponding International Application and are hereby brought to the attention of the Examiner as being possibly material to examination of the subject patent application. A copy of the Australian Office Action is also enclosed.

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 29, 2003

5/29/03
Date

[Signature]
Signature

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The remaining references listed on Form PTO-1449 are also brought to the attention of the Examiner as being possibly material to examination of this application.

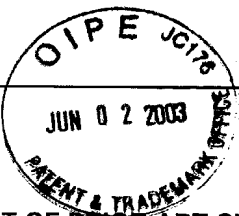
Form PTO-1449 (1 page) is enclosed with a copy of each and every reference cited on Form PTO-1449.

Respectfully submitted,



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FORM PTO-1449
(MODIFIED)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

KCC-13,776

SERIAL NO.

10/035,701

LIST OF PRIOR ART CITED BY APPLICANT
(Use several sheets if necessary)

APPLICANT(S)

David Charles POTTS et al.

FILING DATE

09 November 2001

GROUP

1771

RECEIVED
JUN 05 2003
TC 1700**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,462,989	07/1984	Cerami			
	AB	5,759,844	06/1998	Hiraki et al.			
	AC	5,797,891	08/1998	Wiersma			
	AD	6,017,832	01/2000	Yahiaoui et al.			
	AE	6,060,636	05/2000	Yahiaoui et al.			
	AF	6,177,367	01/2001	Mathis			
	AG	6,231,557	05/2001	Krautkramer et al.			
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL	WO 97/24378	07/1997	PCT				
	AM	WO 98/10134	03/1998	PCT				
	AN	WO 01/00156	01/2001	PCT				
	AO	WO 02/45762	06/2002	PCT				
	AP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR		
	AS		
	AT		

EXAMINER

DATE CONSIDERED

***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

USCOMM-DC 80-3985

P1005.3/ clb

KCC-1034-CON

25 March 2003

SPRUSON & FERGUSON
GPO Box 3898
SYDNEY NSW 2001

Examiner's second report on patent application no. 13339/00
by KIMBERLY-CLARK WORLDWIDE, INC.

Last proposed amendment no. 1

Dear Madam/Sir,

Thank you for the reply of 20 February 2003 to the last report. My report is based on the specification as if amended by the statement of proposed amendments filed with that reply and dated the same. I have considered it and believe that there are lawful grounds of objection to the application as proposed to be amended. These grounds of objection are:

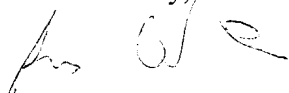
4. Claims 1-45 lack novelty (and would lack an inventive step) in the light of US 4462989 (Cerami) 31 July 1984. This citation discloses absorbent gauzes tampon and the like coated with an anti red blood cell antibody suitable for "altering" red blood cells on contact.
5. Claims 26-29 lack novelty in the light of US 5759844 (Hiraki) 2 June 1998 which discloses absorbent woven or non woven articles which have been treated with a liquid solution of polylysine. Although the purpose of the treatment is not to have an article that can alter red blood cells, since the article contains polylysine it would appear to be suitable for that purpose.
6. New claims 31-45 are unclear as these claims are dependent on the "examples" in the description and yet the description does not contain any examples.
7. Claims 1-45 are not clear as to how the scope of the claims is influenced by the term "altering". It is not apparent what actions are included by the term altering. In addition red blood cells will naturally tend to lyse and aggregate over time whether left alone or absorbed into any material.
8. Objection 2 is maintained. Claims 1-45 lack novelty (and would also lack an inventive step) in the light of US 5797891 (WIER SMA) 25 August 1998. This citation teaches a sanitary device with a superabsorbant polymer and non woven material which absorbs fluids and solid wastes from the human body and contains saponin to neutralize odors. Saponin is known to hemolyze red blood cells and its presence in the cited device means the device inherently has the property of altering red blood cells. The attorney has argued that the saponin is "colloidal" and not a solution, but being "colloidal" is described in this citation as an inherent

property of the triterpene saponin and hence this property would be expected to be present in the triterpene saponin described in the current application.

9. Claims 1-45 lack novelty in the light of WO 98/10134 (Kimberly Clark) 12 March 1998 which disclose the use of Glucupon 220 and other surfactants described in the current application as hemolytic/hemoaggregatable for treating non woven fabrics in personal care products etc. The levels of these surfactants used would appear to give the products some degree of inherent hemolytic/hemoaggregatable capacity.

You have until 19 May 2004 to overcome all my objection(s) otherwise your application will lapse. You will need to pay a monthly fee for any response you file after 12 months from the date of the first report.

Yours faithfully,



ROSS OSBORNE
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